IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 24478 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE DN PATEL

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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TAKAKEM CO.OPERATIVE STORES LTD.
Versus
VIDHATA INDEN THRO. PROPRIETOR AND OTHERS

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Appearance :
MR KM PATEL for Petitioner,MR.VARUN K.PATEL for Petitioner.
MR SP MAJMUDAR for Respondent No.1.
NOTICE SERVED BY DS for Respondent Nos.2 - 3.
MR MANISH R BHATT for Respondent No.2.
MR MAULIK NANAVATI, AGP for Respondent No.3.

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CORAM : HONOURABLE MR.JUSTICE DN PATEL

Date : 25/06/2007

ORAL JUDGMENT

1) RULE. Learned counsel, Mr.S.P.Majmudar waives service of rule on behalf of respondent no.1. Learned counsel, Mr.M.R.Bhatt waives

service of rule on behalf of respondent no.2. Learned AGP, Mr.Maulik Nanavati waives service of rule on behalf of respondent no.3.

2) Learned counsel appearing for the petitioner submitted that respondent no.1 is the original plaintiff, who has filed Regular Civil Suit No.79/2005 before Senior Civil Judge, Khambhalia, District-Jamnagar, mainly on the ground that dealership of gas was allotted to respondent no.1 (original plaintiff) by IOC, but, this allotment letter of dealership of gas has been brought to an end pursuant to the order passed by the Honourable Supreme Court. Even Mr.M.R.Bhatt has filed a note to this effect that the dealership of respondent no.1, i.e., original plaintiff has been brought to an end. In view of these facts, Regular Civil Suit No.79/2005 becomes infructuous. This fact has been accepted by the counsel appearing for respondent no.1. In view of these facts and submissions, the order passed by the trial Court as well as by the lower appellate Court are hereby quashed and set aside and the present Special Civil Application is allowed. Looking to the submissions made by the counsel appearing for respondent no.1 even Regular Civil Suit No.79/2005 has become infructuous and, therefore, I hereby direct the Senior Civil Judge, Khambhalia to dispose of Regular Civil Suit No.79/2005 in pursuance of the order passed by the Honourable Supreme Court, especially, when the dealership of gas given to the original plaintiff has been revoked/cancelled.

3) Accordingly, this Special Civil Application is allowed. Rule is made absolute with no order as to costs.

(D.N.Patel, J.)

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